<u>REMARKS</u>

The present application has been reviewed in light of the Office Action dated March 28, 2008. Claims 1-41 are presented for examination, of which Claims 1, 10, 14, 16, 18, 22, 26, 28, 29, 31, 34-36, 38, and 41 are in independent form. Claims 1, 10, 14, 16, 18, 22, 26, 28, 29, 31, and 34-41 have been amended to define aspects of Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 35-41 are rejected under 35 U.S.C. § 101, on the alleged grounds that these claims are directed to nonstatutory subject matter. Applicants respectfully traverse the rejections for at least the reason that each of these claims is directed to a "computer-program *product* embodying a computer-executable program for implementing a method . . . using a programmable computer" (emphasis added), and is not directed to a computer program or a computer-executable program *per se*. Nevertheless, in order to advance the examination of the present application, Claims 35-41 have been amended to clarify that the computer-program product is a computer-readable storage medium, as suggested on page 2 of the Office Action. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

The Office Action states that Claims 1-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,985,882 (Del Sesto). Applicants respectfully traverse the rejections and submit that independent Claims 1, 10, 14, 16, 18, 22, 26, 28, 29, 31, 34-36, 38, and 41, together with the claims dependent therefrom, are patentably distinct from Del Sesto for at least the following reasons.

By way of background, and as discussed in paragraphs [0007] – [0011] of the specification, there are many considerations involved in arranging for an advertisement ("ad") to

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be aired. Conventionally, these considerations were resolved through negotiations between three parties: an advertisement agency that wants to air the ad; a broadcast/cable affiliate that has spots available for airing the ad; and a facilitator that facilitates communications between the agency and the affiliate. Because of the numerous communications involved in the airing of an ad, it was difficult for all the parties to keep track of the many details of the communications, such as decisions on the number of spots to purchase, the timing of spots depending on the type of ad involved, the geographical markets desired, etc. The present invention generally relates to systems and methods for facilitating how spots for ads are bought and sold by facilitating the communications between the three parties.

Claim 1 is directed to a system for buying and selling spots for advertisements, in which the system includes a central computer system, an agency unit, a facilitator unit, and an affiliate unit, each of which is connected to a global communications network. The computer system includes a memory system storing a computer-executable program that includes an agency module, a facilitator module, and an affiliate module, and a processor for executing the program.

The facilitator module enables an authorized facilitator user to input information to the memory system of the computer system regarding an advertisement, to view and/or edit the inputted information, and to perform communications with the agency and the affiliate regarding the advertisement. The agency module enables an authorized agency user to view and/or obtain information regarding the advertisement from the memory system of the computer system, and to perform communications with the facilitator regarding the advertisement. The affiliate module enables an authorized affiliate user to view and/or obtain information regarding

the advertisement from the memory system of the computer system, and to perform communications with the facilitator regarding the advertisement.

Del Sesto is understood to relate to a system that enables a media buyer (e.g., an ad agency) to search a database of spots available from a media seller (e.g., a broadcast/cable affiliate) and to make bids for selected spots. (See the abstract.) Thus, the Del Sesto system is understood to enable an agency to deal directly with an affiliate to purchase spots for an ad. Apparently, such a system is intended to eliminate the involvement of a facilitator and thus it is believed that Del Sesto teaches away from the use of a facilitator module, as claimed in Claim 1.

In many situations, however, an agency may not want to deal directly with an affiliate. For example, the agency may not have the time or the resources to deal with the many affiliates needed to air an ad in multiple geographical markets. By using a facilitator to make the arrangements for airing the ad, the agency can focus on its core business of advertising instead of on issues relating to scheduling of spots, spot costs, and the like. The facilitator module of Claim 1 allows a facilitator to interact with an agency to, for example, find out the agency's requirements for the ad (e.g., geographical markets, desired spot times, cost ranges, etc.), and to interact with an affiliate to arrange for spots meeting the agency's requirement.[1]

In the Office Action, it is alleged that the media marketplace server 101 of Fig. 1 discloses the central computer system of Claim 1. However, nowhere in Del Sesto is the server 101 shown or suggested to execute a program that includes a facilitator module "to perform communications with the agency and the affiliate regarding the advertisement," an agency module "to perform communications with the facilitator regarding the advertisement," and an

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[1] Examples presented herein are intended purely for illustrative purposes, and such examples are not to be construed to limit the scope of the claims.

affiliate module "to perform communications with the facilitator regarding the advertisement," as claimed in Claim 1.

The Office Action also alleges that Fig. 7 of Del Sesto discloses the agency unit as element 709, the facilitator unit as element 701, and the affiliate unit as elements 702/703/704. The Office Action further alleges that element 707 of Fig. 7 discloses the memory system of the central computer system of Claim 1. Applicants respectfully disagree with this characterization of Del Sesto.

Firstly, Del Sesto describes element 707 of Fig. 7 to be a storage device used by the server 701 for "storing advertising content." (See column 9, lines 54-67.) Nothing in Del Sesto is believed to show or even suggest that element 707 stores a program that includes a facilitator module "to perform communications with the agency and the affiliate regarding the advertisement," an agency module "to perform communications with the facilitator regarding the advertisement," and an affiliate module "to perform communications with the facilitator regarding the advertisement," as claimed in Claim 1.

Secondly, Applicants query whether element 701 of Fig. 7, which is described in Del Sesto to be a server, can disclose the facilitator unit of Claim 1 if Del Sesto also describes the server 701 as being provided with the storage device 707. (See column 9, lines 46-47 and 54-55.) It appears that the Office Action takes the position that element 707 is part of the central computer system of Claim 1, but disregards the fact that Del Sesto teaches that element 707 is part of the server 701, which the Office Action contends discloses the facilitator unit of Claim 1. It is respectfully submitted that this inconsistency further indicates that Del Sesto fails to disclose or suggest all the features of Claim 1.

Thirdly, Del Sesto describes elements 709a-709c of Fig. 7 to refer to workstations that are clients of the server 701. (See column 9, lines 57-62.) Thus, the client/server relationship of element 709a-709c and element 701 is respectfully submitted to teach away from the agency and facilitator units of Claim 1, which are separate units.

Finally, Applicants believe that a fair reading of the description of Fig. 7 will reveal that the drawing shows a system for transferring advertising content from an agency to an affiliate (see column 9, lines 44-67, and column 3, lines 46-47), and does not show or suggest a system with the features of Claim 1.

In summary, nothing has been found in Del Sesto that is believed to teach or suggest a system for buying and selling spots for advertisements, in which the system includes "a central computer system connected to a global communications network; an agency unit connected to the global communications network, said agency unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said agency unit being used by an agency in a process for buying advertisement spots; a facilitator unit connected to the global communications network, said facilitator unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said facilitator unit being used by a facilitator in the process for buying advertisement spots and in a process for selling advertisement spots; and an affiliate unit connected to the global communications network, said affiliate unit including a plurality of terminals for receiving information from and transmitting information to said computer system via the network, and said affiliate unit being used by an affiliate in the process for selling advertisement spots," wherein the computer system includes "a memory system storing a computer-executable program that includes an agency module, a

facilitator module, and an affiliate module," in which "the facilitator module enables an authorized facilitator user to input information to the memory system of the computer system regarding an advertisement, to view and/or edit the inputted information, and to perform communications with the agency and the affiliate regarding the advertisement, the agency module enables an authorized agency user to view and/or obtain information regarding the advertisement from the memory system of the computer system, and to perform communications with the facilitator regarding the advertisement, and the affiliate module enables an authorized affiliate user to view and/or obtain information regarding the advertisement from the memory system of the computer system, and to perform communications with the facilitator regarding the advertisement," as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is not anticipated by Del Sesto and therefore respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Independent Claims 10, 14, 16, 18, 22, 26, 28, 29, 31, 34-36, 38, and 41 include one or more features similar to those discussed above in connection with Claim 1. Therefore, all of the independent claims are believed to be patentable for at least the reasons discussed above. Also, the other rejected claims in the present application depend from one or another of the independent claims and therefore are submitted to be patentable for at least the same reasons. However, because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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